

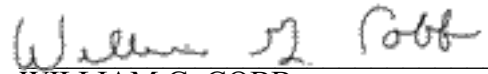
1 motion was found not to be an abuse of discretion. 108 F.3d at 1304.

2 Another one of the requirements a court must also address when considering a Rule 35 motion
3 is payment of the costs of the medical or professional expenses of the examination. Plaintiff fails to
4 discuss this consideration. Since plaintiff is proceeding *in forma pauperis* herein (Doc. # 9),
5 presumably plaintiff is not able to absorb the expense of a medical examination himself. As
6 defendants point out in their response, there is no "affirmative obligation on the States to finance and
7 support prisoner litigation." (Defendants' response, Doc. # 31, citing *Lewis v Casey*, 518 U. S. 343,
8 384 (1996)).

9 Plaintiff's "Motion for Physical Examination of Plaintiff (FRCP 35)" is DENIED.

10
11 IT IS SO ORDERED.

12
13 DATED: December 3, 2012.

14
15 

16 WILLIAM G. COBB
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28